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10 Sun Microsystems, Inc.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 SUN MICROSYSTEMS, INC.,  
15 Plaintiff/Counterdefendant,  
16  
17 v.  
18 NETWORK APPLIANCE, INC.,  
19 Defendant/Counterplaintiff.

CASE NO. 3:07-CV-05488 EDL

**JOINT REPORT REGARDING CLAIM  
CONSTRUCTION HEARING LOGISTICS  
AND ORDER THEREON**

20 Pursuant to the Court's August 12, 2008 Order Regarding Claim Construction, NetApp,  
21 Inc. and Sun Microsystems, Inc. jointly submit this report concerning logistics for the November  
22 10, 2008 and November 24, 2008 Claim Construction Hearings.

23 Term-by-Term Presentation: The parties generally agree with the Court that both parties  
24 should present their arguments concerning a given term before moving on to a subsequent term,  
25 but may suggest after briefing is completed that some claim terms be presented together, if there  
26 is substantial overlap in the arguments in light of the briefing.  
27

1       Experts: The parties agree with the Court that experts should be available for questions by  
2 the Court at the claim construction hearings.

3       Length of Hearings: Pursuant to the Court's September 9, 2008 Order Regarding  
4 Stipulation Regarding Claim Construction Schedule, the Court indicated that the claim  
5 construction hearings on both November 10, 2008 and November 24, 2008 will start at 9:30 a.m.  
6 The parties request that the hearing on both days last until noon.

7  
8 Dated: September 15, 2008

9 DLA PIPER LLP (US)

10 By /s/ Christine K. Corbett

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17 Dated: September 15, 2008

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